

## **DETAILED ACTION**

### **Status of Claims**

Applicant's preliminary amendment dated 7/28/2006 has been entered and claims 1-3, 5-9, 15, 18-25, and 37-38 are pending in this application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 7 and 21** are rejected under 35 U.S.C. 112, 2nd paragraph, for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 21 contain the ambiguous phrase "such as". It is not clear whether or not applicant is attempting to claim the subject matter following this phrase or whether it is simply exemplary. Correction is required.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 5-9, 15, 18-25, and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirksey et al. (US 6,273,726).**

**Regarding claims 1, 18, and 37-38**, Kirksey discloses a system that presents means (i.e. computer) for processing language samples of a target language and generating various modified versions of the samples for use in language training, wherein the modifications can be independent or compound (i.e. more than one modification acting together). See col. 8: 5-30.

**Regarding claims 2 and 19**, Kirksey discloses wherein certain 'original extracts' can be modified in predetermined manners. See col. 7: 34-42.

**Regarding claims 3 and 20**, Kirksey discloses wherein modifications can be applied to different levels (i.e. one or more words can be highlighted, colored, etc.). See col. 8: 5-30.

**Regarding claims 5 and 21**, Kirksey discloses wherein the "blind extract" contains information about the words related in some way to the 'original extract'. See col. 7: 34-42.

**Regarding claims 6 and 22**, Kirksey discloses wherein the 'blind extract' is adjusted as modifications are applied. See col. 7: 35-42.

**Regarding claims 7 and 23**, Kirksey discloses wherein the phrases contain relational schemes pertaining to various levels of modifications available for phrases. See col. 8: 5-30.

**Regarding claims 8 and 24**, Kirksey discloses wherein the modifications are visual. See col. 7: 41-42.

**Regarding claims 9 and 25**, Kirksey discloses wherein the modifications are compound or single. See col. 8: 5-30.

**Regarding claim 15**, Kirksey discloses wherein the system operates on a computer and utilizes data to manage the interactions of the person utilizing the system. See col. 2: 45-50.

### ***Conclusion***

Art Unit: 3715

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY A. MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TIMOTHY MUSSELMAN/  
Examiner of AU 3715